

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SALAHUDDIN FARD SMART,

Plaintiff,

v.

HOWARD KRAFT, ESQ., et al.

Defendants.

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Civ. No. 14-2977 (RBK) (KMW)

MEMORANDUM AND ORDER

Plaintiff is proceeding *pro se* with a civil rights complaint. Plaintiff is no longer incarcerated. On August 20, 2015, this Court screened plaintiff's amended complaint and the amended complaint was dismissed. However, plaintiff was given leave for thirty days in which to file an amended complaint as it related to his 42 U.S.C. § 1981 claims against defendant Howard Kraft, Esq.

Plaintiff did not respond to this Court's Order within thirty days. Instead, on October 13, 2015, after the thirty-day deadline had expired, plaintiff filed a motion for a thirty-day extension of time to file a proposed second amended complaint. The entirety of plaintiff's request is as follows: "Plaintiff was given thirty days in which to file a proposed second amended complaint that addresses the deficiencies with respect to his Section 1981 claim against Kraft should he elect to do so. Plaintiff wishes to be granted another 30 day extension to address this matter." (Dkt. No. 14) The Clerk will be ordered to reopen this case so that this Court can rule on this request by plaintiff.

Plaintiff's request for an extension of time will be denied. First, plaintiff's request for an extension of time is untimely as it was filed well after the thirty-day period in which he had to

file the proposed second amended complaint. Second, and perhaps more importantly, plaintiff fails to provide any good cause why he failed to comply with the thirty-day period given.

Accordingly, IT IS this 15th day of October, 2015,

ORDERED that the Clerk shall reopen this case so that this Court can rule on plaintiff's request for an extension of time; and it is further

ORDERED that plaintiff's request for an extension of time in which to file a proposed second amended complaint (Dkt. No. 14) is denied; and it is further

ORDERED that the Clerk shall reclose this case.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge